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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,965	02/13/2002	John Paul Ronaldson	UDL1P044C1	1141

22434 7590 08/18/2004

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EXAMINER
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BEHREND, HARVEY E

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3641

1. The reply filed on 5/25/04 is not fully responsive to the prior Office action for the following reasons.

Applicant in the 5/25/04 response, has amended the claims of elected Group I to include the assigning of a probability distribution to the "spontaneous fission rate".

As previously pointed out to applicant in the 4/28/04 Office action, this represents a new independent and distinct specie.

Applicants specification at the top of pages 4 and 14 for example, show that applicant had set forth a specie which did not have a probability distribution assigned to the "spontaneous fission rate" and, originally acted on claims 1 and 27 show that applicant was claiming a specie that did not have a probability distribution assigned to the "spontaneous fission rate".

Applicant in the 5/28/03 response to the restriction/election of species requirement set forth in the 4/28/03 Office action, had elected Group I (claims 1-5, 10-12, 27-32) and, the specie of probability distribution assigned to each of the individual variables present as being:

1. a normal distribution for each of the single, double and triple count rates,
2. a flat distribution for the self-induced fission rate,
3. a triangular distribution for the detector efficiency and,
4. a triangular distribution for the alpha, n reaction rate.

Applicant did not elect (and could not have elected) a species of probability distribution for the "spontaneous fission rate", because the claims of elected Group I did not recite assigning a probability distribution to the spontaneous fission rate.

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On page 10 of the 5/25/04 response, applicant argues that claim 16 referred to a probability distribution for the spontaneous fission rate and consequently, the amending of independent claims 1 and 27 of elected Group I to recite the assigning of a probability distribution to the spontaneous fission rate, is not a new specie.

The examiner disagrees because claim 16 is part of non-elected Group II (claims 13-26 are in non-elected Group II).

The 7/3/03 Office action did not include an action on the merits, of claim 16 of non-elected Group II. Hence, the assigning of a probability distribution to the spontaneous fission rate represents a new specie for elected Group I.

Since these issue were previously brought to applicants attention in the 4/28/04 Office action, the failure to correct these issues in the 5/25/04 response cannot be considered inadvertent.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the periods of extension and the corresponding amount of the fee. In no case may applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the last Office action (4/28/04). A fully responsive reply must be timely filed to avoid abandonment of this application.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harvey Behrend whose telephone number is (703) 305-1831. The examiner can normally be reached on Tuesday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

A handwritten signature in black ink, appearing to read 'H. Behrend', with a large, stylized loop at the end.

Behrend/vs  
August 10, 2004

**HARVEY E. BEHREND  
PRIMARY EXAMINER**